

#2017-14



Nova Dubovik
Utah State Archives
346 South Rio Grande Street
Salt Lake City, Utah 84101

REC'D FEB 08 2017

February 1, 2017

Dear Ms. Dubovik:

On behalf of Utah Rivers Council I respectfully wish to appeal to the State Records Committee for assistance in obtaining public records from the Utah Division of Water Resources (DWRe). We are very disappointed by DWRe's response dated January 13, 2017, which we received by email on January 23, 2017 to Utah Rivers Council's GRAMA appeal dated January 4, 2017.

Our organization is puzzled by DWRe's refusal to share the Division's raw water use data and 2015 water use data summaries with our organization. We continue to assert that this is public information and believe DWRe should release the information for reasons stated in our previous letters as well as the following reasons:

- 1) This information has been the focus of heated discussion at the center of \$3-4 billion in proposed taxpayer spending by the DWRe. The Utah public and decision-makers should not be kept in the dark about public water use numbers while billions in spending are at stake at this moment at the 2017 Legislature.
- 2) The DWRe's use of this information was the subject of a 68 page Legislative Audit in 2015, which criticized the agency's collection, assimilation and management of this public water use data. The Audit found that the agency's data mismanagement was responsible for misinforming the public and decision-makers into believing that costly water projects were essential to Utah's future. That is why we want to see this raw water data and the DWRe's summaries for ourselves.
- 3) The Utah public has a right to know how much water they are using. Water is held in trust for the public by the state and its sale and distribution is of direct interest to the public. The water resources of Utah do not belong to the DWRe and this is not the agency's information to withhold.
- 4) In previous years, this water use information was subject to GRAMA from several other agencies and they willingly gave it to our organization on several occasions. While DWRe gave us a link to a webpage with processed water use data we still want the raw data that was used to make the webpage.
- 5) Contrary to DWRe's statement that the agency's summaries are protected as a draft, the Division's water use summaries are not protected as a draft under GRAMA because the information is not being treated as a draft and is not just being used internally. This information was presented to decision-makers and the public just last week on January 26, 2017 when the agency's Deputy Director, Todd Adams, told the Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee that the state used 23% less water in 2015 and our GPCD (gallons per-capita day) went from 300 to 230 gallons in 2015.

In DWRe's January 13, 2017 response the agency says "Putting out draft numbers that later change causes unneeded confusion and problems as people try to use the draft numbers." We question why DWRe's Deputy Director is allowed to use these "draft" numbers in public discussions with decision-makers, but the public is not allowed to see them because they are a "draft." Moreover, draft information such as this that is being relied upon for action or policy decisions cannot be classified as protected under GRAMA.

Additionally, DWRe claims that SB251, passed during the 2016 Legislative Session, requires that DWRe cannot release this data to the public until the agency has issued an RFP and their analysis has been independently verified. While the bill does require that DWRe issue an RFP, SB251 contains no such text supporting DWRe's claim that the bill prohibits them to release the data to our organization.

SB251 does not say the agency cannot share their raw water data before it was processed and put in the website they sent us. Nor does it say the agency cannot share their municipal water use data summaries with our organization so that we may also independently review them.

This request clearly serves the public interest by providing transparency regarding the Division of Water Resources' use of public water data and the future of Utah's water resources. This request is particularly relevant to the public interest because after the 2016 Legislature this agency will receive tens of millions in additional sales tax revenues and oversee billions in future taxpayer spending for the water projects they are proposing. These proposed projects and this spending are based on DWRe's claim that we are running out of water, using data that the agency refuses to provide to the public.

Therefore, in accordance with the Government Records and Management Act ("GRAMA"), U.C.A. 63-2-204 et seq., I hereby appeal DWRe's denial of our GRAMA appeal and request assistance from the State Records Committee to require the agency provide our organization with: 1) copies of the Division's 2015 water use data summaries, and 2) the raw Water Use Data for 2015 submitted to the Division of Water Resources, the Division of Drinking Water and the Division of Water Rights by public water suppliers in Utah, including water use data that was not reported and thereby estimated by the Division of Water Resources.

I would be happy to provide any clarification that may be necessary to enable you to respond to this very important request.

Please feel free to give me a call if you would like to discuss any aspect of this letter.

Sincerely,



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